

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No.: 7829
Koichiro TANAKA) Examiner: Maria A. Elve
Serial No. 10/721,075) Group Art Unit: 3742
Filed: November 26, 2003)
For: LASER IRRADIATION APPARATUS,)
LASER IRRADIATION METHOD,)
AND METHOD FOR)
MANUFACTURING A)
SEMICONDUCTOR DEVICE)

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed August 21, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 26, 2003; January 8, 2004; January 20, 2004; February 3, 2004; September 29, 2005; April 3, 2006; October 19, 2007; April 9, 2008; and May 15, 2009.

Claims 1, 2, 4-11, 13-20, 22-29, 31-38, 40-47 and 49-54 are pending in the present application, of which claims 1, 10, 19, 28, 37 and 46 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action provisionally rejects claims 1, 2, 4-11, 13-20, 22-29, 31-38, 40-47 and 49-54 under the doctrine of obviousness-type double patenting over claims 1-25 of U.S. Application No. 10/792,797 to Tanaka. The Applicant notes that the '797 application has issued as U.S. Patent No. 7,524,712 to Tanaka. The Applicant respectfully submits that the claims of the subject application are patentably distinct from the claims of the Tanaka '712 patent.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the specification and drawings of the patent principally underlying the double patenting rejection are not considered prior art.

The Applicant respectfully traverses the obviousness-type double patenting rejection. In the present application, independent claims 1, 10, 19, 28, 37 and 46 recite at least a first laser oscillator generating a first pulsed laser beam having a wavelength of visible light or a shorter wavelength than that of visible light, and a (plurality of) second laser oscillator(s) (each) generating a second continuous wave laser beam of a solid laser, where the second continuous wave laser beam has a fundamental wave. Further, claims 1, 19 and 37 recite that a portion of a beam spot of a first laser beam and an entire portion of respective beam spots of second laser beams are overlapped with each other; and claims 10, 28 and 46 recite that a beam spot of a first laser beam is larger than that of a second laser beam. On the other hand, it appears that claims 1-10 of the Tanaka '712 patent do not recite the above-referenced features. Further, although independent claims of the Tanaka '712 patent recite a feature of shaping a beam into a second beam via a light-blocking film, the claims of the present application do not recite this feature.

Therefore, it is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Tanaka '712 patent. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

The Official Action rejects claims 1, 2, 4-11 and 13-18 as obvious based on the combination of U.S. Patent No. 6,700,096 or U.S. Publication No. 2003/0136772 to Yamazaki; Australian Patent Publication No. AU 2003220835 to Otsu and U.S. Patent No. 6,014,401 to Godard. The Official Action rejects claims 19, 20, 22-29, 31-38, 40-47 and 49-54 as obvious based on the combination of Yamazaki '096, Otsu, Godard, U.S. Patent No. 6,242,292 to Yamazaki and U.S. Patent No. 7,132,375 to Yamazaki. In order to overcome these rejections, a verified English translation of priority application JP 2002-349007 filed November 29, 2002, will be filed as soon as it is complete and received from Japan. Since Otsu has a publication date of September 22, 2003, which is later than the filing date of JP '007, the Applicant respectfully submits that the rejections under § 103 should be overcome. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c) and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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